IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS : LIABILITY LITIGATION (No. VI) :

Consolidated Under MDL DOCKET NO. 875

CERTAIN PLAINTIFFS

V.

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Transferred from Various

CERTAIN DEFENDANTS

MICHAELE KUNZ, Clerk Districts By\_\_\_\_\_\_ Dep. Clerk

## ORDER

AND NOW, this 21st day of January, 2011, it is hereby

ORDERED that Defendants' Motions for Summary Judgment, in the

cases listed in "Exhibit A" attached, are GRANTED.1

When evaluating a motion for summary judgment, Federal Rule of Civil Procedure 56 provides that the Court must grant judgment in favor of the moving party when "the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact . . . "Fed. R. Civ. P. 56(c)(2). A fact is "material" if its existence or non-existence would affect the outcome of the suit under governing law. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). An issue of fact is "genuine" when there is sufficient evidence from which a reasonable jury could find in favor of the non-moving party regarding the existence of that fact. Id. at 248-49. "In considering the evidence the court should draw all reasonable inferences against the moving party." El v. SEPTA, 479 F.3d 232, 238 (3d Cir. 2007).

"Although the initial burden is on the summary judgment movant to show the absence of a genuine issue of material fact, 'the burden on the moving party may be discharged by showing - that is, pointing out to the district court - that there is an

Plaintiffs have not opposed Defendants' motions for summary judgment within the time limit contained in the Court's scheduling orders. As provided under local rules, the Court must independently determine that the moving party is entitled to judgment as a matter of law. (See Loc. R. Civ. P. 7.1(c)).

IT IS FURTHER ORDERED that judgment shall be entered in favor of only the Defendants listed in the cases in "Exhibit A" attached. $^2$ 

AND IT IS SO ORDERED.

EDUARDO C. ROBRENO, J.

absence of evidence to support the nonmoving party's case' when the nonmoving party bears the ultimate burden of proof."

<u>Conoshenti v. Pub. Serv. Elec. & Gas Co.</u>, 364 F.3d 135, 140 (3d Cir. 2004) (quoting <u>Singletary v. Pa. Dep't of Corr.</u>, 266 F.3d 186, 192 n.2 (3d Cir. 2001)). Once the moving party has discharged its burden, the nonmoving party "may not rely merely on allegations or denials in its own pleading; rather, its response must - by affidavits or as otherwise provided in [Rule 56] - set out specific facts showing a genuine issue for trial." Fed. R. Civ. P. 56(e)(2).

Based on the uncontested evidence presented by Defendants, this Court concludes that Defendants are entitled to judgment as a matter of law.

 $<sup>^2{\</sup>rm This}$  Order does not apply to the motions that are blacked out on "Exhibit A."

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